

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER

### COMPLIANCE & ENFORCEMENT PROGRAM

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May 6, 2008

Mike Clutter  
Icicle Seafoods, Inc.  
P.O. Box 79003  
Seattle, WA 98119

Subject: Short-Term Water Quality Variance for Pile B Drag Operation

Dear Mr. Clutter:

Thank you for your March 21, 2008 "Application for Short-Term Variance of the Alaska Water Quality Standards" and the attached "Waste Reduction Plan."

According to NPDES Permit No. AK-005286-8, I.A., the Northern Victor cannot discharge either 1 mm or 0.5 inch grind size in excess of a one acre ZOD. According to the December 2007 Dive Survey submitted by Icicle Seafoods, Inc. to EPA and ADEC, the persistent waste pile was measured to be 1.72 acres. According to a May, 2008 Dive Survey submitted, the size of the ZOD was 2.33 acres. This is in excess of the permit allowance of 1 acre for either the 0.5 inch or 1 mm size. The maximum measured thickness of the pile was 10.25 feet described in the December, 2007 Dive Survey (pg. 7).

The permit also states according to I.E.2., pg. 8, that,

"The permittee is permitted to discharge pollutants which exceed the Alaska Water Quality Standard for settleable solid residues within a zone of deposit of 1.5 acre on the sea floor below the seafood processing discharge of the outfall(s) at the stern of the vessel."

The M/V Northern Victor actively now discharges seafood waste from the port aft quarter of the vessel. Icicle Seafoods, Inc. installed 0.5 mm rotary screen in 2003. Therefore, since then the grind size is less than 1 mm. The size of the grind in the persistent pile is likely to be mostly from 0.5 inch grind size with some settling of the 0.5 mm grind size on top.

Based on the exceedances of the Zone of Deposit, Icicle Seafoods, Inc. is requesting a Short-Term Variance to remediate Pile B with the intention of reducing the areal coverage of the Zone of Deposit and come into compliance with the permit ZOD limit(s).

According to IV.A.7. (pg. 14) of the permit,

"Necessary action for a waste pile exceeding one (1) acre in area. If the results of the sea floor survey demonstrate an accumulation of seafood processing residues exceeding one (1) acre in area, the permittee shall undertake remediation to reduce and disperse the waste pile to one-half (1/2) acre in area within one (1) year of the survey."

#### "Active" Pile B Remediation Plan

The March 21, 2008 proposal is to rake the seafood waste pile inwards to less than one acre. This approach will likely increase the height of the pile but reduce the areal extent. In order to comply with the permit, the waste pile has to be raked to a point where only 0.5 acre covers the seafloor.

It is questionable whether the raking inward approach will result in remediation as the pile is actively being discharged to by 0.5 mm screened material. What is to keep the pile from spreading back out with tidal currents even without the addition of new material to the top of the pile?

The final TMDL Determination for settleable solid residues in the waters of Udagak Bay is dated September 30, 1998. The TMDL was initiated due to the P/V Northern Victor creating waste piles measuring at least 2.4 acres in area and 7 feet thick based on 1996 and 1997 dive surveys (pg. 2, 1998 TMDL report). In 2007, a single waste pile was measured up to 2.33 acres in May and 10.25 feet thick in December. This suggests that the impairment of the bay due to residues has not significantly improved since the 1996 and 1997 dive surveys were conducted. The TMDL allocation for Udagak Bay should be re-evaluated.

On page 9 of the 1998 TMDL Report the following is stated,

"Alternate approaches to remediate the existing waste pile include (1) removal of some or all of the material through suction, dredging or some other method, and/or (2) spreading the waste pile to expedite decomposition and natural attenuation."

EPA believes that reducing the waste piles from their combined 2.4 acre size to undetectable is feasible and can be accomplished with negligible side effects. Alyeska Seafoods dredged a seafood waste pile in south Unalaska Bay and reduced the volume and area of the pile without reducing levels of dissolved oxygen in the receiving water (pers. comm., Greg Peters, 1997)"

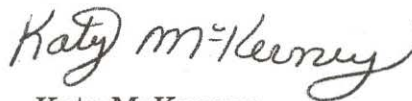


In consultation with EPA, ADEC will provide a Short-Term Variance of the Water Quality Standards for the parameters of turbidity, sediment and residues with the stipulation that if this proposal does not work, then a Plan will have to be formulated that serves dually to bring the permittee into compliance and "reduces and disperses" the waste pile to less than 0.5 acres.

Icicle Seafoods, Inc. requests a Short-Term Variance for May 1 - June 15th and October - November, 2008. This variance is granted for the time periods requested. A copy of the Dive Survey(s) electronically in PDF format and in Word and a copy of the videos detailing the operation and seafloor surveys before and after the raking operation must be provided to ADEC within a month of the completion of the project. Please send to me directly.

The application of this project has not been public noticed in accordance with 18 AAC 15. The primary reason is the proposed timing of the project and the fact that the disturbance is remote from any nearby town. However, if there are any complaints or concerns expressed by any member of the public, the project will cease until a public notice is issued.

Sincerely,



Katy McKerney  
Senior Enforcement &  
Compliance Officer

